

CLOSED,PROSE-PR,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-00976-EGS

GARZA v. UNITED STATES MARSHAL SERVICE
Assigned to: Judge Emmet G. Sullivan
Cause: 05:552 Freedom of Information Act

Date Filed: 05/24/2016
Date Terminated: 09/28/2018
Jury Demand: None
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**JORGE LUIS GARZA**

represented by **JORGE LUIS GARZA**
R19809-056
HAZELTON FEDERAL
CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. Box 5000
Bruceton Mills, WV 26525
PRO SE

V.

Defendant**UNITED STATES MARSHAL
SERVICE**

represented by **Patricia K. McBride**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7123
Fax: (202) 252-2599
Email: patricia.mcbride@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**
16cv0980

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DRUG
ENFORCEMENT AGENCY**
16cv0985

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/24/2016	<u>1</u>	COMPLAINT against UNITED STATES MARSHAL SERVICE filed by JORGE LUIS GARZA. (Attachments: # <u>1</u> Civil Cover Sheet)(sb) (Entered: 05/26/2016)
05/24/2016	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by JORGE LUIS GARZA (sb) (Entered: 05/26/2016)
05/24/2016	<u>3</u>	PRO SE ORDER directing within 30 days of this Order, unless an extension of time is granted, plaintiff to provide a six month trust fund prisoner account statement and failure to comply will result in dismissal of case. Plaintiff shall provide the requested information specific within this order.Signed by Judge Ketanji Brown Jackson on

		5/20/16. (sb) (Entered: 05/26/2016)
05/24/2016		Initiating Pleading & IFP Application Received on 5/13/16. (sb) (Entered: 05/26/2016)
06/09/2016	<u>4</u>	MOTION for Extension of Time to provide the required information in the <u>3</u> Order issued by JORGE LUIS GARZA. (md) (Entered: 06/10/2016)
06/20/2016	<u>5</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by JORGE LUIS GARZA. (md) (Entered: 06/21/2016)
06/24/2016	<u>6</u>	ORDER GRANTING <u>4</u> Motion for Extension of Time to File the required information. Signed by Judge Christopher R. Cooper on 6/21/2016. (md) (Entered: 06/24/2016)
07/28/2016	<u>7</u>	ORDER GRANTING <u>2</u> Motion for Leave to Proceed in forma pauperis. Signed by Colleen Kollar-Kotelly on 7/26/2016. (md) (Entered: 08/01/2016)
07/28/2016		Case Reassigned to Judge Emmet G. Sullivan. Unassigned no longer assigned to the case. (md) (Entered: 08/01/2016)
08/04/2016	<u>8</u>	SUMMONS (3) Issued as to UNITED STATES MARSHAL SERVICE, U.S. Attorney and U.S. Attorney General (jd) (Entered: 08/04/2016)
08/09/2016	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 08/05/2016., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/5/2016. (Answer due for ALL FEDERAL DEFENDANTS by 9/4/2016.) (jf) (Entered: 08/10/2016)
08/19/2016		Partial Filing Fee Received from JORGE LUIS GARZA in the amount of \$68.38, receipt number: 4616080003. (zrdj) (Entered: 08/19/2016)
08/19/2016	<u>10</u>	MOTION to Take Judicial Notice by JORGE LUIS GARZA (jf) (Entered: 08/25/2016)
08/25/2016	<u>11</u>	NOTICE of Appearance by Patricia K. McBride on behalf of All Defendants (McBride, Patricia) (Entered: 08/25/2016)
08/26/2016	<u>12</u>	MOTION for Extension of Time to <i>10-13-2016</i> by UNITED STATES MARSHAL SERVICE (McBride, Patricia) Modified on 8/29/2016 (jf). (Entered: 08/26/2016)
08/29/2016		MINUTE ORDER granting <u>12</u> defendant's motion for extension of time. The government is directed to answer or otherwise respond to the complaint by no later than October 13, 2016. Signed by Judge Emmet G. Sullivan on 08/29/2016. (lcegs3) (Entered: 08/29/2016)
08/29/2016		Set/Reset Deadlines: Government Answer or Response To Complaint due by 10/13/2016. (mac) (Entered: 08/29/2016)
10/18/2016		MINUTE ORDER granting <u>10</u> plaintiff's motion to take judicial notice in Civil Case No. 16-976, ECF No. 11 plaintiff's motion to take judicial notice in Civil Case No. 16-980, ECF No. 11 plaintiff's motion to take judicial notice in Civil Case No. 16-985, and ECF No. 14 plaintiff's motion to take judicial notice in Civil Case No. 16-980. See LCvR 7(b) (when opposition is not timely filed, "the Court may treat the motion as conceded"). In light of plaintiff's pro se and incarcerated status, Local Rule 7(m)'s duty to confer requirement does not apply to plaintiff. Cf. LCvR 7(m) ("The duty to confer also applies to non-incarcerated parties appearing pro se."). Signed by Judge Emmet G. Sullivan on 10/18/2016. (lcegs3) (Entered: 10/18/2016)
10/19/2016	<u>13</u>	MOTION for Leave to File <i>Answer</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (Attachments: # <u>1</u> Answer)(McBride, Patricia) (Entered: 10/19/2016)
10/19/2016		MINUTE ORDER treating as opposed and granting over objection <u>13</u> defendants' motion for leave to file an answer. Defendants are directed to file their answer forthwith. Signed by Judge Emmet G. Sullivan on 10/19/2016. (lcegs3) (Entered: 10/19/2016)

		10/19/2016)
10/19/2016	<u>14</u>	ANSWER to <u>1</u> Complaint by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE.(znmw) (Entered: 10/20/2016)
11/02/2016	<u>15</u>	STANDING ORDER. The parties are directed to read this Order in its entirety upon receipt. The parties shall file a proposed schedule for future proceedings by no later than November 21, 2016. Signed by Judge Emmet G. Sullivan on 11/2/2016. (lcegs3) (Entered: 11/02/2016)
11/02/2016		Set/Reset Deadlines: Proposed Schedule For Future Proceedings due by 11/21/2016. (mac) (Entered: 11/02/2016)
11/07/2016		Partial Filing Fee Received from JORGE LUIS GARZA in the amount of \$100.00, receipt number: 4616081467. (zrdj) (Entered: 11/09/2016)
11/17/2016	<u>17</u>	NOTICE of Proposed Schedule for Future Proceedings by JORGE LUIS GARZA (jf) (Entered: 11/21/2016)
11/18/2016	<u>16</u>	MEET AND CONFER STATEMENT. (McBride, Patricia) (Entered: 11/18/2016)
11/21/2016		MINUTE ORDER: On consideration of the parties' proposed briefing schedules, ECF Nos. 16–17, it is hereby ORDERED that defendant shall file its summary judgment by February 15, 2017; plaintiff shall file his opposition and cross–motion by March 15 2017; defendant shall file its reply and opposition to plaintiff's cross–motion by April 1, 2017; plaintiff shall file his reply by April 30, 2017. Signed by Judge Emmet G. Sullivan on 11/21/16. (ms) (Entered: 11/21/2016)
11/21/2016		Set/Reset Deadlines: Defendant Summary Judgment Motion due by 2/15/2017. Plaintiff Opposition And Cross–Motion due by 3/15/2017. Defendant Reply and Opposition To Plaintiff's Cross–Motion due by 4/1/2017. Plaintiff due by 4/30/2017. (mac) (Entered: 11/21/2016)
12/01/2016	<u>18</u>	Proposed NOTICE of Proposed Schedule for Future Proceedings by JORGE LUIS GARZA (td) (Entered: 12/02/2016)
01/09/2017	<u>19</u>	NOTICE of Change of Address by JORGE LUIS GARZA (jf) (Entered: 01/11/2017)
01/31/2017	<u>20</u>	NOTICE by JORGE LUIS GARZA. "Leave to file GRANTED" signed by Judge Emmet G. Sullivan (jf) (Entered: 01/31/2017)
02/08/2017	<u>21</u>	MOTION for Extension of Time to by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (McBride, Patricia) (Entered: 02/08/2017)
02/14/2017		MINUTE ORDER: For good cause shown, defendant's <u>21</u> Motion for Extension of Time is granted, and its dispositive motion is due by March 30, 2017. Signed by Judge Emmet G. Sullivan on 2/14/17. (ms) (Entered: 02/14/2017)
02/15/2017		Partial Filing Fee Received from JORGE LUIS GARZA in the amount of \$50.00, receipt number: 4616083005. (zrdj) (Entered: 02/15/2017)
02/15/2017		Set/Reset Deadlines: Defendant Dispositive Motion due by 3/30/2017. (mac) (Entered: 02/15/2017)
02/16/2017	<u>22</u>	RESPONSE re <u>21</u> MOTION for Extension of Time to filed by JORGE LUIS GARZA. (jf) (Entered: 02/21/2017)
03/07/2017		Partial Filing Fee Received from JORGE LUIS GARZA in the amount of \$65.81, receipt number: 4616083396. (zrdj) (Entered: 03/07/2017)
03/27/2017	<u>23</u>	Unopposed MOTION for Extension of Time to by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (McBride, Patricia) (Entered: 03/27/2017)
03/29/2017		MINUTE ORDER: The parties' consent Motion for Enlargement of Time <u>23</u> By April 19, 2017, defendants shall release to plaintiff all responsive documents that are not subject to FOIA exemptions. Should the parties be unable to resolve the matter, defendants shall file a dispositive motion by May 19, 2017; plaintiff shall file his

		opposition or other response by June 19, 2017; defendants shall file a reply by July 13, 2017. Signed by Judge Emmet G. Sullivan on 3/29/17. (ms) (Entered: 03/29/2017)
03/29/2017		Set/Reset Deadlines: Defendants Dispositive Motion due by 5/19/2017. Plaintiff Opposition or Other Response due by 6/19/2017. Defendants Reply due by 7/13/2017. (mac) (Entered: 03/29/2017)
05/17/2017	<u>24</u>	MOTION for Extension of Time to <i>File Dispositive Motion</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (McBride, Patricia) (Entered: 05/17/2017)
05/22/2017		MINUTE ORDER: Defendant's <u>24</u> Motion for Extension of Time is granted. Its motion is due by June 2, 2017; Plaintiff's opposition is due by July 6, 2017; Defendant's reply is due by August 3, 2017. Signed by Judge Emmet G. Sullivan on 5/22/17. (ms) (Entered: 05/22/2017)
05/22/2017		Set/Reset Deadlines: Defendant's Motion due by 6/2/2017. Plaintiff's Opposition due by 7/6/2017. Defendant's Reply due by 8/3/2017. (mac) (Entered: 05/22/2017)
06/02/2017	<u>25</u>	MOTION for Extension of Time to <i>Resolve This Matter</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (Attachments: # <u>1</u> Exhibit A)(McBride, Patricia) (Entered: 06/02/2017)
06/02/2017	<u>26</u>	RESPONSE re <u>25</u> MOTION for Extension of Time to <i>Resolve This Matter</i> filed by JORGE LUIS GARZA. (jf) (Entered: 06/05/2017)
06/12/2017		MINUTE ORDER: The defendant's unopposed <u>25</u> Motion for Extension of Time is granted. The defendant shall file a dispositive motion by July 6, 2017 if the parties are unable to resolve this matter by that date. Signed by Judge Emmet G. Sullivan on 6/12/17. (ms) (Entered: 06/12/2017)
06/12/2017		Set/Reset Deadlines: Defendant Dispositive Motion due by 7/6/2017. (mac) (Entered: 06/12/2017)
07/06/2017	<u>27</u>	MOTION for Extension of Time to by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit C)(McBride, Patricia) (Entered: 07/06/2017)
07/11/2017		MINUTE ORDER: For good cause shown, defendant's <u>27</u> Motion for Extension of Time to August 16, 2017 is GRANTED. Signed by Judge Emmet G. Sullivan on 7/11/17. (ms) (Entered: 07/11/2017)
07/21/2017	<u>28</u>	Letter from Jorge Luis Garza. "Leave to file GRANTED" signed by Judge Emmet G. Sullivan on 07/21/2017 (jf) (Entered: 07/21/2017)
08/25/2017	<u>29</u>	MOTION for Extension of Time to <i>Late File Status Report</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE. (McBride, Patricia) Modified event title on 8/28/2017 (znmw). (Entered: 08/25/2017)
08/25/2017	<u>30</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration & Exhibits [FBI], # <u>3</u> Declaration & Exhibits [USMS], # <u>4</u> Declaration & Exhibits [DEA])(McBride, Patricia) (Entered: 08/25/2017)
08/30/2017		MINUTE ORDER: Defendant's <u>29</u> Motion for Extension of Time to file its Status Report is granted. Signed by Judge Emmet G. Sullivan on 8/30/17. (ms) (Entered: 08/30/2017)
08/30/2017	<u>31</u>	Order directing plaintiff to file his opposition to defendant's motion for summary judgment and his cross-motion by 9/25/2017, defendant to file its reply and opposition to plaintiff's cross-motion by 10/25/17, and plaintiff to file his reply by 11/27/17. Signed by Judge Emmet G. Sullivan on 8/30/17. (ms) (Entered: 08/30/2017)
08/30/2017		Set/Reset Deadlines: Plaintiff Opposition To Defendant's Motion For Summary Judgment And Cross-Motion due by 9/25/2017. Defendant Reply And Opposition To

		Plaintiff's Cross-Motion due by 10/25/2017. Plaintiff Reply due by 11/27/2017. (mac) (Entered: 08/30/2017)
09/18/2017	<u>32</u>	RESPONSE re <u>30</u> MOTION for Summary Judgment filed by JORGE LUIS GARZA. (jf) (Entered: 09/20/2017)
09/22/2017	<u>33</u>	MOTION for Extension of Time to <i>Revise Briefing Schedule</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (McBride, Patricia) (Entered: 09/22/2017)
09/22/2017	<u>34</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (Attachments: # <u>1</u> Statement of Facts)(McBride, Patricia) (Entered: 09/22/2017)
10/03/2017	<u>35</u>	ORDER denying without prejudice <u>30</u> Defendant's Motion for Summary Judgment and granting <u>33</u> Defendants' Motion for Extension of Time. The plaintiff shall file his opposition or other response to Defendants' [Amended] Motion for Summary Judgment, ECF No. 34, and cross-motion, if any, by November 3, 2017. The defendants shall file their reply and opposition the plaintiff's cross-motion by December 4, 2017, and the plaintiff shall file his reply by January 12, 2018. Signed by Judge Emmet G. Sullivan on 10/3/17. (ms) (Entered: 10/03/2017)
10/04/2017		Set/Reset Deadlines: Plaintiff Opposition Or Other Response to Defendants' [Amended] Motion for Summary Judgment And Cross-Motion, If Any, due by 11/3/2017. Defendants Reply And Opposition To The Plaintiff's Cross-Motion due by 12/4/2017. Plaintiff Reply due by 1/12/2018. (mac) (Entered: 10/04/2017)
10/17/2017	<u>36</u>	MOTION for Entry of Default, MOTION to Take Judicial Notice by JORGE LUIS GARZA (Attachments: # <u>1</u> Exhibit) "Leave to file GRANTED" signed by Judge Emmet G. Sullivan on 10/18/2017(jf) (Entered: 10/18/2017)
10/23/2017	<u>37</u>	Memorandum in opposition to re <u>34</u> MOTION for Summary Judgment filed by JORGE LUIS GARZA. (jf) (Entered: 10/23/2017)
10/27/2017	<u>38</u>	MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Motion for Default Judgment</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 10/27/2017)
10/30/2017		MINUTE ORDER: Defendants' <u>38</u> Motion for Extension of Time to File their opposition or other response to plaintiff's <u>36</u> MOTION for Entry of Default is GRANTED. Their response is due by 12/4/2017. Signed by Judge Emmet G. Sullivan on 10/30/17. (ms) (Entered: 10/30/2017)
10/30/2017		Set/Reset Deadlines: Defendant Response due by 12/4/2017. (mac) (Entered: 10/30/2017)
11/30/2017	<u>39</u>	MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Motion for Default Judgment, filed</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE (McBride, Patricia) (Entered: 11/30/2017)
12/04/2017		MINUTE ORDER: Defendant's <u>39</u> Motion for Extension of Time is granted. Its reply and response to plaintiff's <u>36</u> Motion for Entry of Default and to Take Judicial Notice is due by 12/26/2017. Signed by Judge Emmet G. Sullivan on 12/4/17. (ms) (Entered: 12/04/2017)
12/05/2017		Set/Reset Deadlines: Defendant's Reply And Response To Plaintiff's <u>36</u> Motion For Entry Of Default And To Take Judicial Notice due by 12/26/2017. (mac) (Entered: 12/05/2017)
12/26/2017	<u>40</u>	REPLY to Opposition to re <u>34</u> MOTION for Summary Judgment , <i>Defendants' Reply in Support of Motion for Summary Judgment and Opposition to Plaintiff's Motion for Default and Judicial Notice Default</i> , filed by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE. (McBride, Patricia) Modified event title on

		12/27/2017 (znmw). (Entered: 12/26/2017)
12/26/2017	<u>41</u>	Memorandum in opposition to re <u>36</u> MOTION for Entry of Default MOTION to Take Judicial Notice filed by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DRUG ENFORCEMENT AGENCY, UNITED STATES MARSHAL SERVICE. (See Docket Entry <u>40</u> to view document). (znmw) (Entered: 12/27/2017)
01/10/2018	<u>42</u>	ENTERED IN ERROR. . . .REPLY to opposition to motion re <u>36</u> MOTION for Entry of Default MOTION to Take Judicial Notice filed by JORGE LUIS GARZA. (Attachments: # <u>1</u> Exhibit Delivery confirmation, # <u>2</u> Exhibit Delivery confirmation, # <u>3</u> Errata Delivery confirmation)(td) Modified (Surreply, document forwarded to chambers) on 1/18/2018 (td). (Entered: 01/18/2018)
02/12/2018	<u>43</u>	SURREPLY to re <u>34</u> MOTION for Summary Judgment filed by JORGE LUIS GARZA. "Leave to file GRANTED" signed by Judge Emmet G. Sullivan on 02/12/2018 (jf) (Entered: 02/13/2018)
08/13/2018	<u>44</u>	MOTION for Status of Case by JORGE LUIS GARZA. (tth) (Entered: 08/16/2018)
08/13/2018	<u>45</u>	MOTION to Take Judicial Notice by JORGE LUIS GARZA. (See Docket Entry <u>44</u> to view document) (tth) (Entered: 08/16/2018)
08/24/2018	<u>46</u>	SECOND MOTION to Take Judicial Notice by JORGE LUIS GARZA. (tth) (Entered: 08/28/2018)
09/28/2018	<u>47</u>	MEMORANDUM OPINION granting <u>34</u> defendants' amended motion for summary judgment; denying <u>36</u> plaintiff's motion for entry of default and judicial notice; denying <u>44</u> plaintiff's motion for status of case and judicial notice; denying <u>46</u> plaintiff's second motion for judicial notice. See document for details. Signed by Judge Emmet G. Sullivan on 9/28/2018. (dm) (Entered: 09/28/2018)
09/28/2018	<u>48</u>	ORDER granting <u>34</u> defendants' amended motion for summary judgment; denying <u>36</u> plaintiff's motion for entry of default and judicial notice; denying <u>44</u> plaintiff's motion for status of case and judicial notice; denying <u>46</u> plaintiff's second motion for judicial notice. See document for details. Signed by Judge Emmet G. Sullivan on 9/28/2018. (dm) (Entered: 09/28/2018)